IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL.

Writ Petition No. 1113(S/S)2007

Smt. Beena Devi W/o Sri Narendra Sharma,
R/o 214, Rana Bhawan, Ganga Nagar,
Rishikesh, Dehradun. ----Petitioner.

Vs.

1. State of Uttarakhand through its Secretary,
   School Education Dehradun,
2. Director School Education State of Uttarakhand,
   Pauri Garhwal,
3. Addl. District Education Officer (Basic),
   Pauri Garhwal.
4. Khand Shiksha Adhikari, Yamkeshwar Block,
   Pauri Garhwal. ----Respondents.

Sri I.P. Gairola, learned Counsel for the petitioner and
Sri N.P. Sah, learned Standing Counsel for the State of Uttarakhand.

Hon'ble M.M. Ghildiyal, J.

Heard Sri I.P. Gairola, learned Counsel for the petitioner and Sri N.P. Sah, learned Standing Counsel for State of Uttarakhand/ respondents.

By means of this writ petition, the petitioner has challenged the transfer order dated 24.07.2007 (annexure no. 1 to the writ petition) passed by Block Education Officer, Block Yamkeshwar, Pauri Garhwal/ respondent no. 4, by which the petitioner who is working as Assistant Teacher in Primary School Kunau, Block Yamkeshwar, District Pauri Garhwal has been transferred to Primary School, Naugaon, Block Yamkeshwar on the ground that though the petitioner and one smt. Savitri Bhatt have joined the School on same day, but the

petitioner is younger than Smt. Savitri Bhatt, thus the petitioner is junior to Smt. Savitri Bhatt.

The petitioner has challenged the impugned transfer order on various grounds such as; that the petitioner has already served the dis-comfortable/ most dis-comfortable areas for about 8 years and by the impugned order she has again been transferred to dis-comfortable area; that the Block Education Officer is not competent to pass the impugned transfer order; that the order passed by the Addl. District Education Officer (Basic) Pauri Garhwal cannot be set-aside by the Block Education Officer and lastly that the petitioner is not in the range of transfers.

So far assailing the impugned order on the ground that the Block Education Officer is not competent to pass such order is concerned, the Block Education officer has specifically mentioned in the order impugned that he was authoriesd by the District Education Officer to pass the order. So far serving in most dis-comfortable areas is concerned, in absence of pleadings in rebuttal nothing can be observed at this stage. The petitioner could not show the Transfer Policy as to how she is not in the range of transfers.

Therefore, without entering into the merits of the case, I direct the petitioner to move representation before the Addl. District Education Officer (Basic), Pauri Garhwal/respondent no. 3, raising all her grievances, within a period of one week from today. In case, the petitioner complies with the orders of this Court, the Addl. District Education Officer (Basic), Pauri Garhwal is directed to take decision on the representation of the petitioner within a period of two weeks from the date of

production of a certified copy of this order alongwith the representation.

With these directions, the writ petition is finally disposed of. No order as to costs.

(M.M. Ghildiyal, J.)

August 20, 2007:
NCM: